

III THE COMMON CAUSE

3 James Kinsey to Elias Boudinot

[Boudinot Papers, I, Library of Congress.]

While virtually all Jersey men believed that some action was necessary to counteract the Massachusetts Acts, they were divided as to the best course to pursue. In the two letters to Elias Boudinot which follow, James Kinsey, who preferred that the legislature maintain its direction of the protest movement, not only surveys the options available but also reveals the behind-the-scenes maneuvering that helped forge a united front in the province. Kinsey (1731-1803), a prominent Burlington lawyer, enjoyed great popularity as a champion of legislative prerogatives during his tenure as assemblyman from Burlington County from 1772 to 1775. Despite membership in the Society of Friends, he served on the Burlington County Committee of Correspondence and in the Continental Congress from 1774 to 1775. When the resistance movement became transformed into a fight for independence, Kinsey abandoned political activities. He took up politics once again after the war, and served as chief justice of the state supreme court from 1789 to 1803.

June 14, 1774

Dear Sir

... Such of Our Committee¹ Who Met at Brunswick were of opinion that It was Necessary to Call a Meeting of the Ass[embly] & signed a petition in which they Ran into the blunder of the Philadelphians who Mentioned that they looked on the Boston Port Bill &c to be a bad thing which they beheld with anxiety and Wanted a Meeting to Devise Measures to get Relief from it. All this is Very true and if I had Not Seen the petition in the last Mondays paper I should Not have thought it possible that any Gentlemen who were in Earnest for a Meeting should Mention A fact to the Gov[ernor] which wou[ld] Effectually Prevent him in granting their Request—his Commission in My Opinion Wou[ld] be the forfeit if he did for *that Reason*.² I am greatly distressed and wou[ld] do anything to Serve the people of Boston; in truth We are All equally Concerned. The Letters I have Rec'd propose a Congress. The Committee of Correspondence are Not Authorised to Attend it. I drew a petition only Mentioning that being of Opinion the publick Business of the province Required a Meeting of the Legislature. We requested a Meeting of the Ass[embly] in August Next which was the Time We met last at [Perth] Amboy. The Gov[ernor] has promised that when the *Speaker* & about 8 or Nine Members request it he would be willing Always to do it—see in one of his Messages. I Applied to the Speaker³ who has refused to Sign it Alledging he does not think the Affairs of *this Colony* require it but the Massachusetts Bill and advising to Lett Colonys *more interested* take the lead so that we Cannot take any part with the Other Colonies before October Next. Now tho I wou[ld] not willingly do any thing More than what the Common Interest & prudence require and tho I wou[ld] be as much against any Rash Hotheaded Measures as anybody, Yet Something ought to be done to shew it to be the Universal Sentiment of America Not to submit to taxation and that we Apprehend the Boston

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Port Bill is Unjust Cruel & Oppressive and if Acquiesced with Must be of exceeding bad Consequence; in truth to do everything to relieve our Brethren which We shou[ld] expect were we in the same Situation. To Sneak in time of Danger is too Mean & to Shrink from one's duty because of Consequences where all we have at Stake is the Basest Cowardice. You are Concerned as Much as Me. Cannot You get a petition drawn & Crane⁴ [&] Garritse⁵ to sign it? Forward it to the Bergen Members & Morris⁶ & Get it Signed by All & Returned to Me in a fortnight that we may petition with at least a Majority of the House. All this If You think the Measure Right; If Not I Wou[ld] Not wish it. I have heard but of two things proposed in the present Alarming Situation of America. The first is a Non Importation agreement; the second is a Congress and the United petition of the Colonies for Redress. The first I am affraid so much Interferes with the private Expectations & Interest of individuals that I deem it impracticable at least until the other is tried. What More Can be done sett down and bestow some Attention on the Subject and give Me your advice. What does Mr. L____⁷ think of the present Affair? Cannot he give Us some Sentiments? Will it be too free to tell him from Me that the little trifling disputes of the Colony of N. York were Capable of Rousing him⁸ and that I think the present times shou[ld]; and that it is his duty. If I had the same Abilities I shou[ld] hold myself inexcusable. . . .

July 2, 1774

It seems to be the Universal Opinion that it is Necessary to have a general Congress of Deputies from the Several provinces in America. The Mode of fixing on these Deputies is Not so Well Settled. By some Resolutions of Your County It is proposed to Elect Deputies from each County & they to Chuse others to Attend the Congress. In Boston & penns[ylvani]a the Members of Ass[embl]y Appoint some of their own body to that service. The Mode appears to Me Not Material, at least Not so Much so as to have the province Represented for which reason I Did intend to have requested a Meeting of our Committee of Correspondence soon and to propose to them to request the several Members of Ass[embl]y to Assemble and fix on some of them to Attend the Meeting of the Congress but am prevented through Apprehension of hind[er]ing perhaps a More Eligible Method. It is Evident a Mode must be adopted as extraordinary as the Occasion whether petitions or Agreements Made by the deputies as you proposed or by the Assembly will have Most Weight here and at home I Know not but Incline to think that If the Assembly Men will Meet It will be the Most agreeable to what has been hitherto done as well as More practicable. I Confess I think More proper persons might be selected from people out of the House and It wou[ld] be most agreeable to Me that they shou[ld] be so Chosen if it Can be Effectually Carried into execution. I have presented a petition to the Gov[ernor] to Call the Ass[embl]y, but the Scattered situation in which the Members live is such that I Got only Six signers. Pray Speak to Crane to get three or four More & send it speedily but Not to Mention to purposes We want to Consider of or as the Pennsylv[ani]a freeholders did Mention a fact in their petition which wou[ld] Alone have Caused the Gov[ernor] to have refused it.

I had laid a Scheme to have got the Assembly Called in August and believe I should have Effectuated it, If It had not been for the publication of the Letter from one

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of our Committee Who Met at Brunswick. I shall forbear taking any Steps Untill I hear from you. If You think It will be improper or interfere with any Views Your People May have at heart for the publick Service I will most willingly desist & pray Consult such of them as You think You can *Safely* trust. I applied to the Speaker to Sign a petition to the Gov[erno]r Who refused it. We rec[eive]d Your Letter signed by S. Crane which I gave to Mr. Ellis.⁹ No body seems willing here to Step forward and I think it not proper for me to do it indeed I am pretty Confident it will be in the power of some Evill disposed persons to Do the province disservice if I shou[ld] Attempt that to do which is really requisite Without Rushing into More Ought only to be expected from me. I hear Burlington County intend to Meet. If they do I will endeavor to Get some persons to Attend that May take the Lead to do what is Necessary & prevent Improprities. Pray write to Me in this Subject that I may not do you Prejudice. . . .

Your Friend &c,
J. KINSEY

1. The legislative committee that met in New Brunswick on May 31. See Doc. 1.
2. One of the committeemen who met at New Brunswick on May 31 wrote an account of the meeting which was published in the *Pennsylvania Gazette* on June 8. The unidentified writer blundered by revealing that they had decided to ask the governor to summon the legislature in August to take action on the current crisis. Kinsey realized that if Governor William Franklin knew the purpose of the session, he would probably not call the General Assembly.
3. Cortlandt Skinner, who also represented Perth Amboy in the assembly.
4. Stephen Crane, representative from Essex County, 1766-1776.
5. Henry Garritse, farmer from Acquackanonk (now Passaic), who served as assemblyman from Essex County, 1772-1776.
6. That is, the legislators from the counties of Bergen (John Demarest and Theunis Dey) and Morris (Jacob Ford and William Winds).
7. William Livingston (1723-1790), Presbyterian lawyer from New York who "retired" to his mansion, "Liberty Hall," near Elizabethtown in 1772. Livingston later represented New Jersey in the Continental Congress from 1774 to 1776, at which time he was elected the first governor of the state of New Jersey.
8. The reference is generally to Livingston's deep involvement in the political wars of New York and particularly to his attack upon the proposed Anglican domination of King's College (now Columbia University) in the 1750s.
9. Probably Daniel Ellis (1728-1794) of the city of Burlington. A wealthy landowner and lawyer, Ellis adopted a moderate Loyalist stance with the onset of the Revolution.